

**EPA Region IX  
General Topics for Discussion**

1. Region IX's process to assess and propose federal facility defense sites for NPL listing (e.g., criteria to assess sites listed on the Federal facilities docket, review preliminary assessments and site investigations, and score and recommend sites for NPL listing)
  - Federal facility sites can come to our attention in several ways. A site may be referred to us by another program; another Agency; or the public. The Region would evaluate the information that is provided and decide if it is sufficient to make the determination to add the site to the Federal facilities docket and/or CERCLIS. If additional information is needed to make that determination, the Region would contact the facility. If the site is on the Federal facilities docket, it is placed in CERCLIS to be evaluated.
  - Once a site is placed into CERCLIS, the Region requires that a preliminary assessment (or abbreviated preliminary assessment) be conducted. The Federal agency with authority over the facility usually produces the preliminary assessment, or provides their "equivalent" documentation. The Region evaluates the documentation to determine if the site score is above 28.5 (or is assumed to be above 28.5) based on the Hazardous Ranking Model. Additional information may need to be requested to make that determination.
  - If the site score is below 28.5 (or is assumed to be below 28.5) at the preliminary assessment stage, the Region may code the site as "No further remedial action planned" (NFRAP). This does not effect any remedial or removal activities that the Federal agency with authority over the facility may be conducting. A site can be re-assessed if new information becomes available that impacts the decision.
  - If the site score is above 28.5 (or is assumed to be above 28.5) at the preliminary assessment stage, then the Region must determine the appropriate path forward. This would most likely include the need for a site investigation. Sometimes a site has already had extensive sampling and/or has clean-up actions underway. The Region might also defer the site to RCRA or determine that site evaluation and/or clean-up is proceeding satisfactorily under another authority. These sites would remain "active" in CERCLIS and need to be revisited at a later date.
  - Site investigation reports are evaluated the same way as the preliminary assessment reports. If the site score is above 28.5 at the site investigation stage, the Region must again determine the appropriate path forward. This may include further assessment work or a recommendation for NPL listing. The Region might also defer the site to RCRA or determine that site evaluation and/or clean-up is proceeding satisfactorily under another authority. These sites would remain "active" in CERCLIS and need to be revisited at a later date.

2. Criteria and basis for NFRAP decisions, RCRA deferrals, and the determination to clean up a Federal facility defense site under other statutes/state programs

- If the site score is below 28.5 (or is assumed to be below 28.5), the Region may code the site as “No further remedial action planned” (NFRAP). A site can be re-assessed if new information becomes available that impacts the decision.
- The Region can determine that a site be deferred to RCRA if that authority is determined to be appropriate and can adequately address the concerns at the site. The Regional site assessment office discusses the site with the RCRA program to ensure that the site meets the criteria under their authority and that the RCRA program is accepting oversight responsibility for the site. If the site is being “deferred to RCRA,” a memo is generated and signed by both the Regional site assessment office and the RCRA program to document the transfer of oversight responsibility. These sites would remain “active” in CERCLIS and need to be revisited at a later date.
- The Region can determine that the site is being addressed under “other statutes/state programs,” if appropriate documentation is provided that demonstrates that progress is being made toward addressing the concerns at the site and that adequate funding commitments (to the extent possible) are in place. In addition, any applicable enforcement orders would be evaluated and the State oversight agencies are contacted to determine if site activities are progressing to their satisfaction. These sites would remain “active” in CERCLIS and need to be revisited at a later date.

3. Region IX’s oversight of non-NPL federal facility defense sites cleaned up under RCRA; e.g., EPA lead, state lead; use of RCRA enforcement orders; oversight of state programs; and Five-Year Reviews

- All cleanup programs for Region 9 states and the Territory of Guam are authorized for the RCRA corrective action program. Cleanup programs in all these states and in Guam maintain lead authority for corrective action for all federal facilities located therein.
- The only DOD federal facilities for which Region 9 maintains lead authority for corrective action are two sites on Johnston Atoll in the Pacific.
- Region 9 gives priority for corrective action program oversight to NCAPS high-priority sites. Region 9 has 109 such federal facilities.
- All NCAPS high-priority sites are on the GPRA 2020 baseline.
- Generally, sites must be subject to RCRA Permitting or 3008(h) authority to be subject to facility-wide corrective action under RCRA.

- Facilities not subject to above criteria may be brought under corrective action by RCRA 7003 authority, if they pose imminent and substantial endangerment.
  - EPA's Superfund FF Cleanup program is involved in a select number of non-NPL BRAC sites only where DoD has requested our involvement and provides funding. Currently 7 sites: Treasure Island, Mare Island, Tustin, Long Beach, Barbers Point (HI), NAS Agana (Guam), Oakland Army Base. Like NPL sites, we are involved in cleanup oversight as a member of a BCT (EPA, state, service), however we have no FFA and do not concur on RODs.
4. Region IX's process to assure that DOD cleans up federal facility defense sites on the NPL; e.g., RPM oversight, mediated partnering initiatives with DOD and/or the states, Five-Year Reviews
- All FF NPL sites have FFAs (with the exception of AF Plant 44 in AZ & NCTAMS in HI). FFAs include enforceable schedules, enforcements tools including dispute resolution and stipulated penalty provisions. FFAs are signed by the Service, the state and EPA. Schedules include major CERCLA milestones/documents. These primary documents per the FFA are approved by the regulators and are disputable.
  - Schedule changes must be approved by regulators.
  - All sites have cleanup teams made up of EPA, the state, and the Federal Service (DoD, DoE, NASA) who has the lead under EPA and state oversight.
  - Region 9 has a mature program with experienced RPMs. EPA can threaten or invoke informal & formal dispute to ensure work moves forward per CERCLA & NCP.

Show example of an FFA & FFA Schedule/SMP – Concord or Alameda.

5. Status of clean up at Region IX NPL defense sites; e.g., is removal and remediation proceeding according to schedule? How does EPA enforce compliance in the absence of signed Federal facility agreements, such as at the Naval Communications Master Station Pacific?
- All work is conducted via enforceable schedules under FFA in compliance w/ CERCLA and the NCP.
  - In the absence of FFAs, other enforcement mechanisms are available. At AF Plant 44, a safe drinking water act order was issued (see attached info). Other orders – RCRA – may be an option. The NCTAMS FFA was negotiated with the Navy and ready to sign in March 2008 when DoD decided not to sign FFAs until national FFA Model provisions are reevaluated. This is one of 2 remaining Navy

NPL sites nationally w/o an FFA. Meanwhile, site work at NCTAMS has been progressing well, initially under the Pearl Harbor FFA, but EPA wants an FFA to ensure long term protectiveness and compliance with RODs where waste is left in place. Until an FFA is signed, if such compliance becomes a concern, we could consider enforcement actions/orders, similar to what was done at AF Plant 44.

6. What was the basis for deleting defense sites from the NPL (e.g., Luke AFB and Schofield Barracks)? What is the distinction between 'removing a proposed NPL site' from CERCLIS, such as Waiawa Shaft, and not proposing the site for NPL listing?

- Luke AFB and Schofield Barracks were deleted after all appropriate response actions under CERCLA were completed.
- At Luke, that means cleanup actions are in place, but several areas still require ICs and long-term O&M. 1) an area with limited remaining soil contamination has ICs prohibiting residential development, 2) 2 landfill areas requiring IC, including one with low-level radiation requiring long term rad monitoring, 3) the cap on a former liquid waste storage area has ICs, O&M, and limited GW monitoring. An Installation Institutional Control Plan is in place. All areas included in Five-Year Reviews. Last one completed in Sept 2007. The Luke Notice of Deletion (NOD) attached.
- At Schofield, all remedial objectives were met. 1) The landfill cover is complete and functioning as designed. 2) A TI Waiver for TCE aquifer restoration was obtained, resulting in simply wellhead treatment at supply wells and long-term monitoring. The TCE point of use GW treatment system is functioning as required. Five Year Reviews will continue. Last one completed in Sept 2007. The Schofield Notice of Intent to Delete (NOID) is attached. This NOID is more descriptive than the NOD at this site.
- Waiawa Shaft not removed from CERCLIS. Because it is on the Schofield Barracks NPL site, it was addressed as part of the Schofield listing and we didn't bother including the specific site in the listing. Not necessary to list separately to deal with under the Schofield listing.

7. Discuss Region IX sites designated in CERCLIS as "part of a NPL site". For these sites, what does partial listing mean and does this affect the region's oversight of cleanup at these sites?

- Site boundaries are determined by the "extent of contamination." Multiply facilities can be contributing to the site contamination (e.g. groundwater plumes with multiply sources of contamination). In some cases, facilities may have been listed as separate entries in CERCLIS and evaluated at different times. Once the site has been listed and defined, other facilities associated with the site that have

been identified can be coded as “part of a NPL site.” There is not a way to “partially list” a site.

- Sites designated as part of an NPL site are just that. They are within the listing of the basic federal facility and are addressed as part of the primary site and it’s FFA. For example:
  - AF Plant 70 is part of Aerojet, a private site.
  - NRTF Lualualei and Opana are a part of NCTAMS
  - Waiawa Shaft and Schofield Barracks Sanitary Landfill, are part of the Schofield Site.
  - All other items listed are part of the Pearl Harbor Naval Complex Superfund Site, including DRMO, Naval Sub Base, Pearl City Fuel Annex, PH Naval Shipyard, PH Naval Station, PH Naval Supply Ctr, PH Naval Public Works CTR, PH PWC Makalapa Pesticide Pit, Shore Intermediate Maint. Activity, and USN Fleet Training Group.
8. Discussion of the table of Region IX non-NPL federal facility defense sites (sent separately) and whether site file documentation is available to determine the (a) programs/statutes used to clean up these sites, (b) the lead regulatory authority for cleanup of these sites, and (c) the basis for the region’s decision to not propose to list these sites.